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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/706,859	11/07/2000	Toshiharu Kawanishi	121.1008	8557

21171 7590 06/12/2003

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EXAMINER

BAHTA, KIDEST

ART UNIT	PAPER NUMBER
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2125

DATE MAILED: 06/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/706,859

Applicant(s)

KAWANISHI ET AL.

Examiner

Kidest Bahta

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

***Priority***

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 09/706,859, filed on November 7, 2000.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5, line 3, "those components which are likely to be changed" the metes and bounds of such limitations cannot be determined, rendering the claim indefinite.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-6 and 10-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Saito et al. (U.S. Patent 6,018,690).

Regarding claims 1 and 10, Saito discloses a power supply control device for an apparatus which is supplied with electric power from a power supply (Fig. 1; column 5, lines 36-44), the device comprising: a calculator (3009, i.e., the electric power consumption controller) for calculating a power consumption value of the device based on configuration information on each configuration unit constituting the apparatus and amount of power consumed by each configuration unit (column 16, lines 6-23 and column 16, lines 42-46, i.e., the electric power consumption table 3010 stored, in a table format associated with the power lines 2602A to 2602, data on present consumption powers of electric apparatuses and the electric power consumption controller 3009 calculates by referring to the electric power consumption table 3010); a controller for performing a predetermined procedure based on the power consumption value calculated by the calculator (column 16, lines 47-67).

Regarding claim 2-5, Saito discloses a detector for detecting an amount of power supplied from the power supply to the apparatus during operation of the apparatus, wherein the controller performs the predetermined processing in according with the detection result of the detector (Fig. 4 – Fig. 11; column 6, lines 20-24, 31-33; column 7, lines 45-66; column 9, lines 2-33, i.e., is trigger of power consumption of predetermined value or more detected? The controller 206 recognizes that the use of power P requested by the previously transmitted power use request message is not permitted and stop power supply to the electric apparatus). In addition, Saito discloses a storage

element (1004A and 1005A) for storing the configuration information (column 26, lines 3-12) and an input device (1002A) for inputting the configuration information to the storage element so as to be stored therein (Fig. 29 and Fig. 30; column 22, line 64 – column 23, line 8); the storage element stores a configuration unit of components which are changed in the configuration of the device (column 24, lines 30-60).

Regarding claim 6, Saito discloses a comparator for making a comparison between the amount of power consumption calculated by the calculator and a power supply capacity of the power supply (column 16, lines 42-58; column 17, lines 1-31, i.e., compares the allowable power  $M$  with the sum  $(Q+P)$  of total present power consumption  $Q$  and necessary power consumption  $P$  requested by each electric apparatus, step S23); a control operation element for performing a predetermined control operation based on the result of comparison performed by the comparator (column 16, lines 59-67).

Regarding claim 11, Saito discloses a data recording medium being readable by a computer, said medium storing configuration units, constituting a device, which is supplied with electric power from a power supply (column 3, lines 39-44), and an amount of power consumed by the configuration units as power consumption information (column 3, lines 14-38), the medium retrievably storing the configuration units constituting the device (column 16, lines 6-23) and an amount of power consumption corresponding to each configuration unit, in order that a computer calculates a power consumption of the device consumption information (column 14, lines 1-14; Fig. 1) and performs a predetermined

processing based on the power consumption value thus calculated (column 14, lines 18-33, column 13, lines 40-48).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saito et al. (U.S. Patent 6,018,690) in view of Nguyen et al. (U. S. Patent 6,564,332)

Regarding claim 7, Saito discloses the limitations of claims 1 and 6 as stated above in par. 2 and the comparator makes a comparison between the power supply capacity calculated by the power supply capacity calculator and the amount of the power consumption (column 8, lines 33-49), however, Saito fails to disclose that the a power supply capacity calculator for calculating the power supply capacity of the power supply based on the configuration information on each power supply configuration unit constituting the power supply and an available power supply capacity which is able to be supplied by each power supply capacity which is able to be supplied by each power supply configuration unit.

Nguyen discloses that the a power supply capacity calculator for calculating the power supply capacity of the power supply based on the configuration information on each power supply configuration unit constituting the power supply and an available

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power supply capacity which is able to be supplied by each power supply capacity which is able to be supplied by each power supply configuration unit (column 3, lines 26-45; column 4, lines 49-65, i.e. power controller 150 is coupled to each device and to each meter. Power controller 150 gathers the measurements from one or more of the meters of the computer system of Fig. 1 and calculates the total power consumed by the portion of the computer system comprising the associated ICs).

It would have been obvious to a person of the ordinary skill in the art at the time invention was made to combine the teachings of Saito with the teachings of Nguyen because if an electrical current greater than a predetermined level has flown, the conventional breaker apparatus cuts off the power supply circuit connected to the power lines within the residence in order to stop the supply of electric current. This function of the conventional breaker apparatus aims at 1) preventing an accident, such as a fire from the power line, due to overcurrent, and 2) protecting the power supply equipment of the electric company and other users of power fails to keep a maximum power consumption decided by a contract between the user and the electric company (Saito column 14, lines 23-33).

Regarding claim 8, Saito discloses an apparatus comprising: a main unit proper having at least one processing function block for processing information (column 6, lines 50-55), a power supply unit having at least one power supply functional block for supplying electric power to the processing functional block (column 5, 45-55, column 6, lines 31-33; Fig. 1); a power supply control device includes a controller for calculating an amount of power consumption of the apparatus proper based on configuration

information of the processing function block and an amount of power consumed by each power supply function block (column 16, lines 6-23 and column 16, lines 42-46, i.e., the electric power consumption table 3010 stored, in a table format associated with the power lines 2602A to 2602, data on present consumption powers of electric apparatuses and the electric power consumption controller 3009 calculates by referring to the electric power consumption table 3010), the controller performing a predetermined processing in accordance with the amount of power consumed by the main unit thus calculated (column 16, lines 47-67).

However, Saito fails to disclose the controller calculating an amount of power supplied by the power supply unit based on the configuration information of the power supply functional block and an amount of power supplied to each power supply functional block and the controller performing a predetermined processing in accordance with the amount of power supplied by the power supply unit thus calculated.

Nguyen discloses that the controller calculating an amount of power supplied by the power supply unit based on the configuration information of the power supply functional block and an amount of power supplied to each power supply functional block (column 3, lines 26-45; column 4, lines 49-65, i.e. power controller 150 is coupled to each device and to each meter. Power controller 150 gathers the measurements from one or more of the meters of the computer system of Fig. 1 and calculates the total power consumed by the portion of the computer system comprising the associated ICs), the controller performing a predetermined processing in accordance with the amount of power supplied by the power supply unit thus calculated (Fig. 6, column 31-54).



It would have been obvious to a person of the ordinary skill in the art at the time invention was made to combine the teachings of Saito with the teachings of Nguyen because if an electrical current greater than a predetermined level has flown, the conventional breaker apparatus cuts off the power supply circuit connected to the power lines within the residence in order to stop the supply of electric current. This function of the conventional breaker apparatus aims at 1) preventing an accident, such as a fire from the power line, due to overcurrent, and 2) protecting the power supply equipment of the electric company and other users of power fails to keep a maximum power consumption decided by a contract between the user and the electric company (Saito column 14, lines 23-33).

Regarding claim 9, Saito discloses a detector for detecting an amount of power outputted from the power supply unit to the main unit during operation of the apparatus, wherein the controller performs the predetermined processing in accordance with the detection result of the detector ((Fig. 4-Fig. 11; column 6, lines 20-24, 31-33; column 7, lines 45-66; column 9, lines 2-33, i.e., is trigger of power consumption of predetermined value or more detected? The controller 206 recognizes that the use of power P requested by the previously transmitted power use request message is not permitted and stop power supply to the electric apparatus).

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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9. Any inquiry concerning communication or earlier communication from examiner should be directed to Kideest Bahta, whose telephone number is (703) 308-6103.

Examiner can normally be reached on M-F from 7:30 a.m. to 4:00 p.m. EST. If attempts to reach examiner by phone fail, examiner's supervisor, Leo Picard, can be reached (703) 308-0538. Additionally, fax phones for Art Unit 2125 is (703) 746-7239. Any inquiry of a general nature or relating to status of this application should be directed to group receptionist at (703) 305-9600.

Kideest Bahta

June 4, 2003